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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,290	11/30/2000	Kevin Gene Kehnc	AUS9-2000-0449-US1	3296
35525	7590	01/04/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			ART UNIT	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION  
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DATE 02-04-05 ACTION DOCKETED Resp. to Notice of Non-Compliance  
Docketed By [Signature] Date 01-11-05  
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<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/726,290	<b>Applicant(s)</b> KEHNE ET AL.	
	<b>Examiner</b> J. Derek Rutten	<b>Art Unit</b> 2122	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12 October 2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The "grounds of rejection to be reviewed on appeal" section (page 10 of the brief) and the related arguments (especially pages 11-13) are directed toward the rejection of independent claims (particularly claim 1) under 35 USC 103(a) over applicant's admission of prior art (APA) in view of U.S. Patent 5,822,692 (Krishnan) as applied in the Non-Final office action sent on 18 December 2003. However, the independent claims were rejected in the Final Office action sent on 4 June 2004 under 35 USC 103(a) over APA, Krishnan, and further in view of U.S. Patent 5,339,450 (Nagahara). Further, applicant's citation of the examiner's rejection of claim 1 appearing on page 11 includes text taken from the Non-Final Office action, and all arguments are directed to the Non-Final Office action. In contrast to the Final Office action, As such, the brief does not contain a concise statement of each ground of rejection, nor does it provide an argument specifying the errors in the rejection since the current state of rejection as detailed in the Final Office action is not addressed.

TUAN DAM

SUPERVISORY PATENT EXAMINER